

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

ORION HEALTHCORP, INC. *et al.*,

Debtors.

HOWARD M. EHRENBURG, IN HIS CAPACITY
AS LIQUIDATING TRUSTEE OF ORION
HEALTHCORP, INC., ET AL.,

Plaintiff,

v.

ARVIND WALIA; NIKNIM MANAGEMENT INC.,

Defendants.

Chapter 11

Case No. 18-71748 (AST)

Adv. Proc. No. 20-08049 (AST)

**STIPULATION TO ATTEND MEDIATION
AND TOLL REMAINING DEADLINES**

Plaintiff, Howard Ehrenberg, in his capacity as Liquidating Trustee of Orion Healthcare, Inc. (the “Plaintiff”) and Defendants Arvind Walia and Niknim Management, Inc. (the “Defendants,” and together with the Plaintiff, the “Parties”), by and through their undersigned counsel of record, submit the following *Stipulation to Attend Mediation and Toll Remaining Deadlines* for consideration by the Court (the “Stipulation”):

1. On March 13, 2020, Plaintiff filed the *Complaint For Avoidance and Recovery of (1) Fraudulent Transfers; (2) Preferential Transfers; (3) Recovery of Avoided Transfers, and (4) Objection to Claim No. 10067 Pursuant to 11U.S.C. §§502, 544, 547, 548, and 550* [Dkt. No. 1] against Defendants.

2. On June 17, 2020 Defendant filed its *Answer and Affirmative Defenses* to the Complaint [Dkt. No. 6].

3. On May 21, 2021 the Parties filed the *Stipulation and Order re Filing of First Amended Complaint; And Entering of Scheduling Order* [Dkt. No. 19], which was entered by the Court on May 26, 2021. [Dkt. No. 20]

4. On May 28, 2021, Plaintiff filed its *First Amended Complaint For Avoidance and Recovery of (1) Fraudulent Transfers; (2) Preferential Transfers; (3) Recovery of Avoided Transfers, and (4) Objection to Claim No. 10067 Pursuant to 11U.S.C. §§502, 544, 547, 548, and 550* [Dkt. No. 22].

5. On June 9, 2021, Defendants filed their *Answer to First Amended Complaint and Affirmative Defenses* [Dkt. No. 23].

6. On September 21, 2021 the Parties filed the *Stipulation Requesting Amendment to Case Management and Discovery Plan* [Dkt. No. 26], which was entered by the Court on October 5, 2021. [Dkt. No. 27]

7. On December 30, 2021, fact discovery closed.

8. On January 10, 2022, Plaintiff designated experts pursuant to Rule 26(a)(2) of the Federal Rules and produced expert reports. Pursuant to the *Scheduling Order and Amendment to Case Management and Discovery Plan*, any rebuttal or responsive expert report is due not later than February 9, 2022.

STIPULATION

NOW, THEREFORE, the Parties stipulate and agree, subject to the Court's approval, as follows:

1. The Parties desire to attend mediation within the next 30 days and to toll any remaining deadlines under the *Scheduling Order and Amendment to Case Management and Discovery Plan* until the conclusion of attending mediation.

2. Pursuant to the *Scheduling Order and Amendment to Case Management and Discovery Plan*, the Parties may attend mediation at any time during the pendency of the adversary and shall jointly file a stipulation to attend mediation with the Court.

3. The Parties have agreed to address the issues in this Adversary Proceeding to the Honorable Gerald Rosen, Ret. as the mediator, but have not yet determined his availability or cleared conflicts. To the extent he is not available, the Parties will move promptly to select another mediator. Mediation will be attended via zoom and the parties will split the fees and costs for mediation equally.

4. The Parties will advise the Court within ten (10) days following completion, of the progress or outcome of the mediation.

Dated: January 25, 2022

PACHULSKI STANG ZIEHL & JONES LLP
Counsel to Plaintiff Howard M. Ehrenberg, in his
capacity of Liquidating Trustee of Orion
Healthcorp, Inc., *et al.*

By: /s/ Jeffrey P. Nolan
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Dated: January 24, 2022


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SO ORDERED:

Dated: March 7, 2022
Central Islip, New York




Alan S. Trust
Chief United States Bankruptcy Judge